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April 25, 2016

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VIA ECF

Honorable J. Paul Oetken
United States District Judge
United States Courthouse
40 Foley Square
Room 2101
New York, NY 10007

RE: *Normand et al. v. The Bank of New York Mellon*, 1:16-cv-00212-JPO-JLC;
International Union of Operating Engineers Local 138 Pension Trust Fund v.
The Bank of New York Mellon, 1:16-cv-02834-JPO-JLC

Dear Judge Oetken:

Pursuant to Your Honor's Individual Practices in Civil Cases, Plaintiffs in the above-referenced actions file this letter motion requesting that the Court enter the parties' Stipulation and [Proposed] Order Consolidating Cases and Setting Deadline for Response to [the] Complaint in [the] Local 138 Action ("Proposed Consolidation Order"). Pursuant to § 18.3 of the Electronic Case Filing Rules & Instructions for the Southern District of New York, the Proposed Consolidation Order is being e-mailed to the Judgments Clerk in PDF/A format and is not being e-filed with this letter.

The Proposed Consolidation Order essentially seeks to do two things : (1) consolidate the above-referenced actions under one caption, given the substantially similar questions of law and fact raised by each, and (2) eliminate the need for duplicative briefing directed at the sufficiency of the pleadings in the two actions.

The Proposed Consolidation Order is the product of discussions between the parties and has been agreed upon by all sides in these actions. We are available for a conference or call with the Court at any time should the Court have questions.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. P. Chiplock', with a stylized, cursive script.

Daniel P. Chiplock

cc: Sharan Nirmul, Esq. (via email)
Frank Schirripa, Esq. (via email)
Elizabeth Sacksteder, Esq. (via email)
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